

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

BRANDON CALLIER,

Plaintiff,

v.

LOANDEPOT.COM, LLC Delaware
limited liability company,

Defendants.

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Case No. 3:22-CV-00100-DG

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT
LOANDEPOT.COM, LLC'S MOTION TO DISMISS**

In accordance with Federal Rule of Evidence 201, Defendant asks this Court to take judicial notice of Plaintiff's court filings listed below.

I. LEGAL STANDARD

A district court is generally limited to considering the contents of the pleadings and the attachments thereto when deciding a motion to dismiss under Rule 12(b)(6). However, where appropriate, it may also consider matters of which it may take judicial notice. Federal Rule of Evidence 201(b) provides that courts "may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court's territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Rule 201 "authorizes the court to take notice only of 'adjudicative facts,' not legal determinations."¹

¹ *Taylor v. Charter Med. Corp.*, 162 F.3d 827, 831 (5th Cir. 1998).

The Fifth Circuit characterizes the standard for judicial notice as applying only “to self-evident truths that no reasonable person could question, truisms that approach platitudes or banalities.”²

II. ARGUMENT

Judicial notice may be taken of “matters of public record” that are not subject to reasonable dispute.³ The court’s notice, however, is limited to the existence of the document, “not to prove the truth of the documents’ contents.”⁴

Here, loanDepot requests that this Court take judicial notice of the following court records reflecting Plaintiff’s other similar lawsuits:

1. On January 2, 2020, Plaintiff filed a Complaint against Marathon Administrative Co. Inc., Case No.: 3:2020-cv-00001.

2. On January 24, 2020, Plaintiff filed a Complaint against SunPath LTD et al., Case No.: 3:2020-cv-00023.

3. On April 20, 2020, Plaintiff filed a Complaint against SunPath LTD et al., Case No.: 3:2020-cv-00105.

4. On April 20, 2020, Plaintiff filed a Complaint against SunPath LTD et al., Case No.: 3:2020-cv-00106.

5. On May 1, 2020, Plaintiff filed a Complaint against CarGuard Administration INC et al., Case No.: 3:2020-cv-00118.

6. On September 3, 2020, Plaintiff filed a Complaint against United Debt Settlement, LLC, et al., Case No.: 3:2020-cv-00235.

² *Hardy v. Johns-Mansville Sales Corp.*, 681 F.2d 334, 347 (5th Cir. 1982).

³ *Walker v. Beaumont Indep. Sch. Dist.*, 938 F.3d 724, 735 (5th Cir. 2019).

⁴ *Lovelace v. Software Spectrum Inc.*, 78 F.3d 1015, 1018 (5th Cir. 1996).

7. On October 9, 2020, Plaintiff filed a Complaint against Sunpath, LTD, Northcoast Warranty Services, Inc., and Matrix Financial Services, LLC, Case No.: 1:2020-cv-01367.

8. On October 22, 2020, Plaintiff filed a Complaint against Ryan, et al., Case No.: 3:2020-cv-0026.

9. On October 22, 2020, Plaintiff filed a Complaint against Rocha et al., Case No.: 3:2020-cv-00266.

10. On November 13, 2020, Plaintiff filed a Complaint against Straight Line Source, Inc., Case No.: 3:2020-cv-00282.

11. On November 19, 2020, Plaintiff filed a Complaint against United Student Loan Assistance center, LLC, Case No.: 3:2020-cv-00286.

12. On November 23, 2020, Plaintiff filed a Complaint against Skyhigh Funding, LLC, Case No.: 3:2020-cv-00292.

13. On November 23, 2020, Plaintiff filed a Complaint against United Debt Settlement, LLC, Case No.: 3:2020-cv-00289.

14. On November 23, 2020, Plaintiff filed a Complaint against Creative Capital Solutions, LLC, Case No.: 3:2020-cv-00291.

15. On December 7, 2020, Plaintiff filed a Complaint against GREENSKY INC., Case No.: 3:2020-cv-00304.

16. On December 28, 2020, Plaintiff filed a Complaint against Multiplan, INC., Case No.: 3:2020-cv-00318.

17. On January 19, 2021, Plaintiff filed a Complaint against The Litigation Practice Group, PC, Case No.: 3:2021-cv-00011.

18. On January 25, 2021, Plaintiff filed a Complaint against McCarthy Law, PLC, et al., Case No.: 3:2021-cv-00015.

19. On February 4, 2021, Plaintiff filed a Complaint against Summit Horizon Financial Services, LLC, Case No.: 3:2021-cv-00023.

20. On March 22, 2021, Plaintiff filed a Complaint against Century Relief, LLC, et al., Case No.: 3:2021-cv-00070.

21. On March 22, 2021, Plaintiff filed a Complaint against National United Group, LLC, et al., Case No.: 3:2021-cv-00071.

22. On July 6, 2021, Plaintiff filed a Complaint against Johnson, et al., Case No.: 3:2021-cv-00157.

23. On July 6, 2021, Plaintiff filed a Complaint against Bitty Advance 2, LLC, et al., Case No.: 3:2021-cv-00158.

24. On July 14, 2021, Plaintiff filed a Complaint against Summit Horizon Financial Services, LLC, et al., Case No.: 1:21-cv-00131.

25. On August 9, 2021, Plaintiff filed a Complaint against Document Management Resources, LLC et al., Case No.: 3:2021-cv-00183.

26. On August 9, 2021, Plaintiff filed a Complaint against EBF Partners, LLC, et al., Case No.: 3:2021-cv-00180.

27. On August 9, 2021, Plaintiff filed a Complaint against Infusion Capital Group, LLC et al., Case No.: 3:2021-cv-00181.

28. On August 9, 2021, Plaintiff filed a Complaint against AGF Funding, LLC, Case No.: 3:2021-cv-00182.

29. On August 16, 2021, Plaintiff filed a Complaint against United Docu Prep, Inc. et al., Case No.: 3:2021-cv-00189.

30. On August 19, 2021, Plaintiff filed a Complaint against Charter Communications, Inc., Case No.: 3:2021-cv-00193.

31. On September 7, 2021, Plaintiff filed a Complaint against Morality Inc. et al., Case No.: 3:2021-cv-00207.

32. On September 13, 2021, Plaintiff filed a Complaint against Nest Egg Financial, LLC et al., Case No.: 3:2021-cv-00215.

33. On September 13, 2021, Plaintiff filed a Complaint against Indymae, LLC et al., Case No.: 3:2021-cv-00216.

34. On September 13, 2021, Plaintiff filed a Complaint against The Design Laza, Inc. et al., Case No.: 3:2021-cv-00213.

35. On September 13, 2021, Plaintiff filed a Complaint against Sunshine Consultation Services, LLC, et al., Case No.: 3:2021-cv-00214.

36. On October 22, 2021, Plaintiff filed a Complaint against Rapture Reel, Inc., et al., Case No.: 3:2021-cv-00264.

37. On November 5, 2021, Plaintiff filed a Complaint against Debt Mediators, LLC, Case No.: 3:2021-cv-00278.

38. On January 3, 2022, Plaintiff filed a Complaint against United Alliance Group, Inc., et al., Case No.: 3:2022-cv-00003.

39. On January 3, 2022, Plaintiff filed a Complaint against Processing.Direct, LLC, et al., Case No.: 3:2022-cv-00005.

40. On January 3, 2020, Plaintiff filed a Complaint against BCO Consulting Services, Inc., et al., Case No.: 3:2022-cv-00004.

41. On January 6, 2022, Plaintiff filed a Complaint against American-Amicable Life Insurance Company of Texas, et al., Case No.: 3:2022-cv-00018.

42. On January 6, 2022, Plaintiff filed a Complaint against Credible Solutions, LLC, et al., Case No.: 3:2022-cv-00016.

43. On January 18, 2022, Plaintiff filed a Complaint against Texana Bank, NA Corporation, et al., Case No.: 3:2022-cv-00028.

44. On January 18, 2022, Plaintiff filed a Complaint against Nivan Tech, LLC, et al., Case No.: 3:2022-cv-00027.

45. On February 7, 2022, Plaintiff filed a Complaint against Caliber Home Loans, Inc., Case No.: 3:2022-cv-00049.

46. On February 7, 2022, Plaintiff filed a Complaint against Crisler, et al., Case No.: 3:2022-cv-00048.

47. On February 7, 2022, Plaintiff filed a Complaint against Guaranteed Rate Inc., Case No.: 3:2022-cv-00047.

48. On February 24, 2022, Plaintiff filed a Complaint against National Bancorp Holdings, Inc., Case No.: 3:2022-cv-00066.

49. On March 4, 2022, Plaintiff filed a Complaint against Brothers Road Partners, LTD, et al., Case No.: 3:2022-cv-00075.

50. On March 4, 2022, Plaintiff filed a Complaint against SLRA LLC, et al., Case No.: 3:2022-cv-00074.

51. On March 17, 2022, Plaintiff filed a Complaint against West Capital Lending Inc., Case No.: 3:2022-cv-00096.

52. On March 17, 2022, Plaintiff filed a Complaint against Atlas Financial Consultants, LLC, Case No.: 3:2022-cv-00095.

53. On March 17, 2022, Plaintiff filed a Complaint against Harris Capital Mortgage Group, LLC, Case No.: 3:2022-cv-00097.

54. On March 17, 2022, Plaintiff filed a Complaint against Emortgage Capital Inc., Case No.: 3:2022-cv-00099.

55. On April 8, 2022, Plaintiff filed a Complaint against Wide Merchant Investment, Inc., et al., Case No.: 3:2022-cv-00123.

56. On April 8, 2022, Plaintiff filed a Complaint against DDT WEALTH, LLC, Case No.: 3:2022-cv-00122.

The above listed filings are undisputed matters of public record, as to which this court may take judicial notice.

III. CONCLUSION

For the foregoing reasons, loanDepot respectfully requests that the Court take judicial notice of the presence of the aforementioned lawsuits.

Respectfully submitted,

/s/ Robert A. Hawkins

Robert A. Hawkins
Texas State Bar No. 24069785
robert.hawkins@squirepb.com
Ekaterina G. Long
Texas Bar No. 24102700
ekaterina.long@squirepb.com
SQUIRE PATTON BOGGS (US) LLP
2000 McKinney Avenue, Suite 1600
Dallas, Texas 75201
Telephone: 214-758-1500
Facsimile: 214-758-1550

and

/s/ Eric J. Troutman

Eric J. Troutman
California Bar No. 229263
troutman@troutmanfirm.com
TROUTMAN FIRM
530 Technology Drive, Suite 200
Irvine, California 92618
Telephone: (949) 350-3663
Facsimile: (949) 203-8689

Attorneys for Defendant loanDepot.com, LLC

Certificate of Service

I certify that on May 24th, 2022, my office served a true and correct copy of the foregoing via the Court's CM/ECF system and by mailing it via Certified Mail Return Receipt Requested to Plaintiff's last known address as follows:

Brandon Callier
6336 Franklin Trail
El Paso, Texas 79912

/s/ Ekaterina G. Long

Ekaterina G. Long